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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

<b>IN RE:</b>	)	
	)	<b>CASE NO: 09-70140-HDH</b>
<b>HELEN RENE HOPSON,</b>	)	
	)	<b>CHAPTER 13</b>
	)	
<b>DEBTOR.</b>	)	
	)	

**RESPONSE OF ECAST SETTLEMENT CORPORATION TO  
DEBTOR'S OBJECTION TO CLAIM NUMBER 9**

eCAST Settlement Corporation (“eCAST”), by and through its undersigned counsel, hereby responds to the Debtor’s Objection to Claim Number 9 and in support thereof, avers as follows:

## PROCEDURAL HISTORY

1. On March 30, 2009, the Debtor filed a voluntary petition under Chapter 13, Title 11 of the United States Code and relief was ordered thereon.
2. On June 22, 2009, eCAST, as assignee of Capital One Bank (“Capital One”), timely filed a general unsecured claim in the amount of \$8,269.23, for the unpaid pre-petition charges incurred on the Debtor’s credit card account number \*\*\*\*\*9324. Attached to the Proof of Claim is a fully compliant Account Summary and Bill of Sale, in support of the Claim. The Account Summary reflects the Debtor’s name, address, redacted social security

number, redacted account number, account open date, account charge-off date and balance due as of the petition date. The claim was designated as Claim Number 9 (“Claim 9”) on the Court’s claims register. A true and correct copy of Claim 9 is attached hereto and made a part hereof as Exhibit “A”.

3. The Debtor lists an undisputed owed debt owed to “Capital 1 Bank” on her signed and sworn Schedule F in the amount of \$8,223.00 and lists account number “xxxx-xxxx-xxxx-9324,” which matches the redacted account number listed on Proof of Claim 9. A true and correct copy of the relevant page of the Debtor’s Schedule F is attached hereto and made a part hereof as Exhibit “B”.

4. On August 12, 2009, the Debtor filed an Objection to Claim Number 9 alleging that the Claim was filed with insufficient supporting documentation. The Debtor requests that the Claim be disallowed.

### **RESPONSE**

5. eCAST avers that the Debtor’s continued prosecution of this objection is not made in good faith because she listed the account on her Schedule F for a substantially similar amount and proof that eCAST is the proper claimant, as assignee of the account, was attached to the Proof of Claim. In accordance with *In re Armstrong*, 320 B.R. 97 (Bankr. N.D. Tex. 2005), “[A] debtor’s over-reliance on **nonsubstantive** objections may be evidence of abuse of the bankruptcy process.” *Id.* at 108 (emphasis added). The Debtor has not cited any substantive basis for disallowing the claim.

6. Despite eCAST’s belief that the Claim was filed with sufficient supporting documentation, in an effort to resolve the Debtor’s Objection, eCAST amended Claim 9 on September 10, 2009 to include true and correct copies of the Debtor’s account statements dated

October 2007 through April 2008 and account screen, in further support of the claim. The account statements reflect the Debtor's name, address, redacted account number and account activity for the specified period. The account screen(s) reflects the Debtor's name, address, redacted account number, redacted social security number, redacted date of birth, account open date, last payment date and last payment amount. The amended proof of Claim is designated as Claim number 9-2 on the Court's claims register and a copy is attached hereto and made a part hereof as Exhibit "C."

**WHEREFORE**, eCAST Settlement Corporation respectfully requests that the Debtor's Objection to Claim Numbers 9 be denied and that the Claim be allowed as filed.

Respectfully submitted,

By: /s/ Mark Stromberg  
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